



U.S. Department of Justice

United States Attorney
 Southern District of New York

The Silvio J. Mollo Building
 One Saint Andrew's Plaza
 New York, New York 10007

December 19, 2019

Honorable Denise Cote
 United States District Judge
 Daniel Patrick Moynihan United States Courthouse
 500 Pearl Street
 New York, New York 10007

**Re: United States v. Telemaque Lavidas,
 S1 19 Cr. 716 (DLC)**

Dear Judge Cote:

The Government respectfully submits this letter to correct a statement that was made during the final pre-trial conference earlier today. In response to a question by the Court, the Government represented that the insider trading relationship between Georgios Nikas and Marc Demane Debih began in or about 2008 to 2009. Subsequent to the conference, the Government reviewed 3500 materials and other records, which reflect that, while Nikas and Demane had been close friends for years prior, Demane's earliest recollection of engaging in insider trading activity with Nikas was in or about the period of 2010 to 2011.

Notwithstanding the correction described above, the Government respectfully submits that the Nikas-Demane statement is admissible under F.R.E. 804(b)(3) as a statement against penal interest that is highly corroborated by among other things, the relationship between Nikas and Demane and the subsequent timely, profitable trading in Ariad securities, and also as a co-conspirator statement under F.R.E. 801(d)(2)(E), for the reasons set forth in the Government's motions *in limine* and at the final pre-trial conference.

Respectfully submitted,

AUDREY STRAUSS
 Attorney for the United States, Acting Under
 Authority Conferred by 28 U.S.C. § 515.

by: _____ /s/
 Richard Cooper/Daniel Tracer
 Assistant United States Attorneys
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cc: Defense counsel (by ECF)